

INITIAL STATEMENT OF REASONS

LAYPERSON AUTOMATED EXTERNAL DEFIBRILLATOR REGULATIONS

Health and Safety Code Section 1797.107 requires the Emergency Medical Services Authority (EMS Authority), upon approval of the Commission on Emergency Medical Services, to adopt, amend or repeal regulations to carry out the provisions of Division 2.5 of the Health and Safety Code. Section 1797.190 of the Health and Safety Code requires the EMS Authority to establish minimum standards for the training and use of automated external defibrillators (AED) by individuals not otherwise licensed or certified for use of the device.

Such standards were initially established by the EMS Authority in 1991 and set forth in regulations (California Code of Regulations [CCR], Title 22, Division 9, Chapter 1.8, Sections 100031 – 100041).

These revisions are proposed to clarify the training and use of the AED by the layperson based on technological advancements of these devices and revisions to National Guidelines established by the American Heart Association (AHA).

SPECIFIC PURPOSE

Section 100031, through Section 100041.

The proposed revision to these sections is to add Section 1797.196 of the Health and Safety Code and add Section 1714.21 of the Civil Code to the reference sections of these regulations. Senate Bill 911 (Figueroa), Chapter 163, Statutes of 1999 added Section 1797.196 to the Health and Safety Code and Section 1714.21 to the Civil Code. The purpose of Senate Bill 911 was to provide immunity from civil liability to trained AED users. The Layperson AED Regulations have not been amended since their inception in 1991.

Section 100031.

The specific purpose of the proposed revision is to make this section grammatically correct. There were no substantive changes to this section.

Section 100032.

The specific purpose of the proposed revision is to update the definition of an AED that meets the technological advances of AED devices.

Section 100033.

The specific purpose of the proposed revision is to include maneuvers for relief of foreign body airway obstructions in the cardiopulmonary resuscitation (CPR) definition since foreign body airway obstruction is a contributing factor of cardiac arrest and must be relieved before a person can be successfully resuscitated.

Section 100036.

The specific purpose of the proposed revision is to adopt, in the reference section, the section number of Division 2.5 of the Health and Safety Code that pertains to the descriptions of prehospital emergency medical care person or personnel.

Section 100037.

The specific purpose of the repeal of this section is to eliminate the prior CPR training as an eligibility requirement for AED training. Many national organizations such as the AHA, the American Red Cross and the National Safety Council have combined CPR and AED training into one course. Organizations that implement AED programs will be able to complete the entire training in one session instead of requiring CPR training first, demonstrating proficiency in CPR and then completing AED training, thereby making the initial training less burdensome and more efficient.

Section 100038.

The specific purpose of this change is to renumber the section to 100037. There were no substantive changes to this section.

Subsection (a). The specific purpose of the proposed change is to indicate that a person may apply prior CPR training for AED training if that person is able to verify CPR training.

Subsection (b). The specific purpose of the proposed change is to repeal the requirement that AED training needs to be presented over two sessions preferably over at least two days and add that the training may be combined with a CPR course. AED training is commonly offered in one course and is combined with a CPR course by national organizations such as the AHA, American Red Cross and the National Safety Council.

Subsection (b)(2)(D). The specific purpose of the proposed change is to add the term, “adequate airway care” because this is a standard topic in CPR courses. The acronym “ABC”, that is commonly taught in CPR courses, refers to airway, breathing and circulation. Airway is the first in the sequence because it is the most important and without an adequate airway the patient has little if any chance of survival.

Subsection (b)(2)(E). The specific purpose of the proposed change is to:

1. Renumber the subsection, and
2. Add the term, “if applicable” to the internal emergency response system topic of the initial training. Not all authorized AED providers will be part of an internal emergency response system. Internal response systems may be established in areas with a large number of employees such as factories, warehouses and large office complexes.

Subsection (b)(4). The specific purpose of the proposed change is to add the phrase, “to include evaluation of airway, breathing and circulation” was added to the minimum training topics because this is an important part of the assessment of an unconscious patient and is part of the AHA Guidelines.

Subsection (b)(5)(A-D). The specific purpose of the proposed change is to add the listed safety precautions was added to the minimum training topics because they specify circumstances when the device should not be used and other circumstances where the victim, the operator and other rescuers safety may be at risk. These safety precautions are also listed in the AHA guidelines.

Subsection (b)(8). The specific purpose of the proposed change is to make this subsection grammatically correct. There were no substantive changes to this section.

Section 100039. The specific purpose of the proposed change is to renumber this section to 100038. There were no substantive changes to this section.

Subsection (a)(1). The specific purpose of the proposed change is to make this subsection grammatically correct. There were no substantive changes to this section.

Subsection (a)(4). The specific purpose of the proposed change is to reduce the periodic training and skill proficiency demonstration requirement from quarterly to annually. Advances in AED technology have reduced the need for quarterly training and proficiency demonstrations. AED devices prompt the user to complete each step of the process to apply the device and administer a shock to a cardiac arrest victim.

Section 100040. The specific purpose of the proposed change is to renumber this section to 100039. There were no substantive changes to this section.

Section 100041. The specific purpose of the proposed change is to renumber this section to 100040. There were no substantive changes to this section.

Article 5. Operational Requirements. Section 100041. Subsections (a) through (e). Article 5 was created to address the operational requirements of the AED program that are specified in the statute. The specific purpose of the proposed change is to adopt language from Division 2.5 of the Health and Safety Code Section 1797.196 that was enacted in 1999 from SB 911. Section 1797.196 of the Health and Safety Code require: notifying the local EMS agency of the existence, type and location of AED acquired, conducting regular maintenance and tests and checks for readiness. This section also requires that when an AED is used on a cardiac arrest victim the EMS system is activated and that a physician, licensed in California, is involved in developing the AED program and complying with these regulations.

REFERENCE MATERIAL

Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care, Supplement to Circulation, American Heart Association, Volume 102, Number 8, August 22, 2000.

PRESCRIPTIVE vs PERFORMANCE STANDARDS

Adoption of these proposed regulations will not mandate the use of specified technologies or equipment (prescriptive standards).

STATEMENT OF ALTERNATIVES CONSIDERED

The EMS Authority has determined that no other alternative would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

SMALL BUSINESS IMPACT STATEMENT

The EMS Authority has determined that there would be no significant adverse economic effects on small business as a result of the proposed regulatory action.

COST IMPACT TO AFFECTED PRIVATE PERSONS OR BUSINESSES

The EMS Authority has determined that there would be no significant adverse economic effects to private persons or businesses.

FOR FURTHER INFORMATION

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